

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREEM J. HOWELL,

Plaintiff,

V.

E. MUNOZ, et al.,

Defendants.

Case No. 1:23-cv-00048-EPG (PC)

ORDER DIRECTING THE CLERK OF COURT TO CLOSE THE CASE AND TO SERVE A COPY OF THIS ORDER ON THE WARDEN OF CALIFORNIA STATE PRISON, CORCORAN, THE LITIGATION COORDINATOR AT CALIFORNIA STATE PRISON, CORCORAN, AND SENIOR ASSISTANT ATTORNEY GENERAL MONICA ANDERSON

(ECF No. 11)

On February 13, 2023, Plaintiff filed what the Court construes as a notice voluntarily dismissing this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF No. 11). Therefore, this action has been terminated.¹ Fed. R. Civ. P. 41(a)(1)(A)(i); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

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¹ The Court notes that the dismissal is automatically without prejudice, unless Plaintiff previously dismissed a federal or state court action that is based on, or includes, the same claims at issue in the present case. See Fed. R. Civ. P. 41(a)(1)(B) (“Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.”). Thus, although Plaintiff’s case is voluntarily dismissed, it is unclear, and the Court does not decide, whether the voluntary dismissal is with or without prejudice.

Accordingly, the Clerk of Court is DIRECTED to close this case and to serve the Warden of California State Prison, Corcoran, the Litigation Coordinator at California State Prison, Corcoran, and Senior Assistant Attorney General Monica Anderson with a copy of this order.²

IT IS SO ORDERED.

Dated: February 14, 2023

/s/ *Eric P. Groj*
UNITED STATES MAGISTRATE JUDGE

² As this action has been terminated, the Warden is not required to file a response to Plaintiff's motion for a temporary restraining order and/or preliminary injunction (ECF No. 9).